

## Implementation Procedure Los Alamos National Laboratory

**IMP 744.1**                      **At Will Upper Management Positions**  
**Issuing Authority**        **Associate Director for Administration**  
**Issue Date: 07/12/05**      **Issued By: Robert W. Kuckuck, Director**

### Summary

This procedure directs how LANL will implement the UC policy on At Will Upper Management Personnel and the accompanying UC policy on Resolution of Concerns for At Will Upper Management Personnel.

### INTRODUCTION

#### Authority and Applicability

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This Implementation Procedure (IMP) is issued under the authority of the Director to apply University of California (UC) policies to Los Alamos National Laboratory (LANL) personnel. The Human Resources (HR) Division Leader is the Responsible Manager for this IMP and Staff Relations, HR-SR, is the Responsible Office.

This IMP applies to those LANL senior managers who serve at will, as listed in Attachment A.

- Senior managers hired into the positions listed in Attachment A on or after February 15, 2005, are subject to the provisions of this IMP.
- Senior managers incumbent in the positions listed in Attachment A as of February 15, 2005, are subject to the provisions of this IMP beginning January 1, 2006.

#### Purpose

UC has adopted a policy regarding the terms and conditions of employment for certain senior managers at UC-managed laboratories, *UC-Managed DOE National Laboratories Policy on At Will Upper Management Personnel* (UC At Will Policy). See Attachment B. UC also has adopted an accompanying *UC-Managed DOE National Laboratories Resolution Of Concerns For At Will Upper Management Personnel* (UC Resolutions of Concerns Policy). See Attachment C. These two policies have been implemented at all three UC-managed DOE laboratories (LANL, Lawrence Livermore National Laboratory, and Lawrence Berkeley National Laboratory) to enable each laboratory to exercise more effective management oversight.

This IMP directs how LANL will implement the UC At Will Policy.

### PROCEDURE

#### Overview

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The UC At Will Policy concerns the employment status of LANL positions with significant authority and responsibility.

- UC and its three DOE laboratories identified the senior management positions to which this IMP applies. See Attachment A for the list of LANL managers.
- LANL managers covered by the UC At Will Policy serve at the discretion of the Director ("at will").

LANL will follow the UC At Will Policy. See Attachment B.

- Under the UC At Will Policy, the Director may terminate LANL employees in at will positions from their management appointment, up to and including termination from UC employment, at any time, with or without cause or notice.

#### Job Offers

At the time of a job offer to a position listed in Attachment A the candidate will be informed that:

- the position is at will, and
- the position is subject to the provisions of this IMP and the UC At Will Policy.

#### Resolution of Concerns

LANL will follow the UC Resolutions of Concerns Policy. See Attachment C.

- LANL managers covered by the UC At Will Policy are expected to discuss any concerns about conditions of their at will appointment with their immediate supervisor.
- If issues arise that cannot be resolved through discussions with the immediate supervisor,

	<p>the employee and supervisor are directed to follow the provisions of the UC Resolutions of Concern Policy.</p> <ul style="list-style-type: none"> <li>LANL human resources policies and procedures, including but not limited to those pertaining to complaints of discrimination, complaints of sexual harassment, whistleblower status, or disciplinary measures, are applicable to senior managers who serve at will (unless at will managers are specifically excluded). However, LANL human resources policies and procedures do not alter or modify the terms of the UC At Will Policy.</li> </ul>
<b>INSTRUCTIONS</b>	<p>INTRODUCTION &lt; PROCEDURE &lt; INSTRUCTIONS &lt; Requests for Exceptions or Variance&lt; Definitions &lt; History &lt; References &lt; Attachments</p>
<b>Requests for Exceptions or Variance</b>	<p>Exceptions or variance from this IMP will be granted only by the President of the University of California. Requests must be in writing, and forwarded to the President through the Director. See UC At Will Policy.</p>
<b>Definitions</b>	<p><b>At Will</b> - "At will" refers to the condition of serving in a senior management appointment at the discretion (will) of the Director.</p> <p>For other definitions, see <a href="#">Definition of Terms</a>, LANL <i>Policies and Procedures Manual</i>.</p>
<b>History</b>	<p>This is a new subject.</p> <p>The UC At Will Policy and the UC Resolution of Concerns Policy were initially adopted by UC in January 2005.</p> <p>The UC At Will Policy was amended in March 2005.</p>
<b>References</b>	<p><a href="#">Prime contract</a>, Section C .001, Statement of Work, and Appendix A.</p> <p><i>UC-Managed DOE National Laboratories Policy on At Will Upper Management Personnel</i>. See Attachment B.</p> <p><i>UC-Managed DOE National Laboratories Resolution Of Concerns For At Will Upper Management Personnel</i>. See Attachment C.</p>
<b>Attachments</b>	<p>The following attachments are part of this IMP.</p> <ul style="list-style-type: none"> <li><b>Attachment A</b> – Los Alamos National Laboratory At Will Upper Management Positions</li> <li><b>Attachment B</b> – <i>UC-Managed DOE National Laboratories Policy on At Will Upper Management Personnel</i>, March 2005.</li> <li><b>Attachment C</b> – <i>UC-Managed DOE National Laboratories Resolution Of Concerns For At Will Upper Management Personnel</i>, January 2005.</li> </ul>

**At Will Upper Management Positions  
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**Attachment A  
LOS ALAMOS NATIONAL LABORATORY  
AT WILL UPPER MANAGEMENT POSITIONS**

March 2005

(List provided by the University of California Office of the President)

Lead Auditor/Division Leader, Audits & Assessments	Division Leader, Nuclear Materials Technology
Division Leader, Advanced Fuel Cells	Division Leader, Nuclear Nonproliferation
Division Leader, Applied Physics	Division Leader, Performance Surety
Division Leader, Bioscience	Division Leader, Physics
Division Leader, Chemistry	Division Leader, Project Management
Division Leader, Communications & External Relations	Division Leader, Risk, Reduction & Environmental Stewardship
Division Leader, Computer & Computational Science	Division Leader, Safeguards & Security
Division Leader, Computing, Communications & Networking	Division Leader, Science & Technology Base Programs
Division Leader, Decision Applications	Division Leader, Supply Chain Management
Division Leader, Dynamic Experimentation	Division Leader, Technology Transfer
Division Leader, Earth & Environmental Science	Division Leader, Theoretical
Division Leader, Engineering Sciences & Applications	Principal Deputy Associate Director, Administration
Division Leader, Facility & Waste Operations	Principal Deputy Associate Director, Operations
Division Leader, Health, Safety & Radiation Protection	Deputy Associate Director, Experimental Physics
Division Leader, Human Resources	Deputy Associate Director, Operations (1)
Division Leader, Information Management	Deputy Associate Director, Operations (2)
Division Leader, Infrastructure, Facilities & Construction	Deputy Associate Director, Strategic Research
Division Leader, Integrated Safety Management	Deputy Associate Director, Threat Reduction (1)
Division Leader, Internal Security	Deputy Associate Director, Threat Reduction (2)
Division Leader, International Space & Response	Deputy Associate Director, Weapons Engineering & Manufacturing (1)
Division Leader, Los Alamos Neutron Science Center	Deputy Associate Director, Weapons Engineering & Manufacturing (2)
Division Leader, Manufacturing System & Methods	Deputy Associate Director, Weapons Physics (1)
Division Leader, Materials Science & Technology	Deputy Associate Director, Weapons Physics (2)
	Deputy Associate Director, Weapons Physics (3)
	Chief Information Officer
	Laboratory Counsel

**At Will Upper Management Positions  
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**Attachment B**

March 2005

***UC-MANAGED DOE NATIONAL LABORATORIES  
POLICY ON AT WILL UPPER MANAGEMENT PERSONNEL***

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**A. GENERAL**

Laboratory managers in positions that have been designated as Upper Management serve at the discretion of the Laboratory Director.<sup>1</sup> Personnel so designated will be informed in writing of this classification. Employees in these positions may be terminated from their appointment, up to and including termination from employment, at any time with or without cause or notice. The at will status of employees appointed to these positions cannot be altered except by amendment of this policy.

This policy does not apply to Laboratory personnel covered by UC Senior Management Group Policy, SMG Policy II-64 Termination of Appointment.

Upper Management positions are listed on the attached Laboratory At Will Upper Management Positions table.

**B. NOTICE**

An employee who is terminated from employment under this policy may receive, at the sole discretion of the University, up to sixty calendar days advance written notice of termination or pay in lieu thereof.

**C. TERMINATION ASSISTANCE**

An employee whose employment is to be terminated under this policy may receive, at the sole discretion of the Laboratory Director,<sup>1</sup> assistance that may include one or more of the following:

1. Assignment to another position, if such a position is available, the employee is qualified to perform the work, and the new assignment is in the University's best interests.

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<sup>1</sup> When an Upper Management position is the joint appointment of a laboratory and a systemwide (University or Regents) officer, termination shall be subject to the concurrence of such officer. When appropriate, the Laboratory Director will coordinate with the Vice President—Laboratory Management.

In the event of such a reassignment, the employee's salary may not exceed the maximum of the salary range for the new position unless an exception to this policy is requested by the Laboratory Director and approved by the Associate Vice President—Human Resources and Benefits, Office of the President. When required by DOE Contracts or UC policy, approval of the salary must also be obtained from the DOE/Office of Science, DOE/NNSA, and/or The Regents.

If the new position has no established salary range or salary range maximum, the employee's new compensation rate will be established based on an analysis supervised by the Laboratory's Human Resources Director of the proposed job duties and responsibilities. The new salary may not exceed that of the highest paid employee performing a similar mix of responsibilities, unless an exception to this policy is requested by the Laboratory Director and approved by the Associate Vice President—Human Resources and Benefits, Office of the President.

2. Career counseling or outplacement services.
3. Reasonable time off with pay to interview for other jobs.

#### **D. SEVERANCE PAY**

Except in the case of termination for misconduct, an employee whose employment is to be terminated under this policy (and who is not reassigned to another position pursuant to Section C.1.) will receive a severance payment equal to four months of salary.

1. In the event that the University's contract to manage a DOE Laboratory expires or is terminated, an employee who is offered employment with a successor contractor shall not be eligible for severance pay under this policy if, in the University's judgment, the salary offered is comparable. Since continuing employment is being offered, the employee will be considered voluntarily terminated whether or not he/she decides to accept the position with the successor contractor.
2. Repayment: An employee who has received severance pay under this policy and who returns to work in a career position with the University or a successor contractor at the same or higher salary and at the same percentage of time as of the date of termination shall repay to the University any portion of severance pay received that is in excess of the time the employee was separated from the University.

#### **E. RESOLUTION OF CONCERNS**

Concerns about conditions and actions affecting an appointee's employment pursuant to this policy may be addressed under the *Resolution of Concerns for At Will Upper Management Personnel* policy.

## **F. AUTHORITY**

The Laboratory Director retains authority to terminate the appointment, up to and including termination from employment, of an employee covered by this policy.<sup>1</sup> Any exceptions to the provisions of this policy must be approved by the President.

*This Policy has been amended and supersedes the UC-Managed DOE National Laboratories Policy on At Will Upper Management Personnel, dated January 2005.*

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**Attachment C**

January 2005

***UC-MANAGED DOE NATIONAL LABORATORIES  
RESOLUTION OF CONCERNS FOR AT WILL  
UPPER MANAGEMENT PERSONNEL***

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**A. GENERAL**

Appointees covered by the *Policy on At Will Upper Management Personnel* serve at the pleasure of the Laboratory Director.<sup>2</sup> Concerns about conditions and actions affecting an appointee's employment are expected to be discussed with the individual's immediate supervisor. If the concerns cannot be resolved through such discussions, those concerns may be submitted in writing to the Laboratory Director or, as appropriate, to the President, Vice President—Laboratory Management, Regents Officer, or designee for review. The Laboratory Director, President, Vice President—Laboratory Management, Regents Officer, or designee shall take such action as deemed appropriate.

**B. APPLICABILITY OF OTHER LABORATORY POLICIES**

Each Laboratory's local human resources policies indicate whether or not other Laboratory policies, including but not limited to, policies and procedures relating to complaints of discrimination on the basis of a protected category (for example, race or whistleblower status), sexual harassment, or other complaint procedures or policies are applicable to Upper Management positions. However, neither those policies, procedures or practices, nor any other written or verbal communication is intended to create a contract or policy of employment that in any way alters or modifies the terms of the *Policy on At Will Upper Management Personnel*.

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<sup>2</sup> When an Upper Management position is the joint appointment of a laboratory and a systemwide (University or Regents) officer, appointees serve at the pleasure of both officers. Concerns raised under this policy should be addressed to both appointing authorities.